

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes
MONDAY, DECEMBER 18, 2023 – 6:30 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

The Select Board may discuss and vote appropriate action on any item listed on this Agenda unless a different disposition is noted. At the discretion of the Chair, agenda items may be taken out of order.

Select Board:

Present: Nancy Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice-Chair; Douglas C. Brown; Robert P. Mascali

Absent: Onjalé Scott Price

Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager

OPEN SESSION

Call to Order: By Chair Nancy Taylor

EXECUTIVE SESSION

Chair Taylor called for a **motion to go into Executive Session to discuss strategy with respect to collective bargaining – Police Lieutenant impact bargaining**

Motion by Mr. Zylinski: So moved Second: Mr. Brown

Roll call vote:

Zalinski: Aye

Mascali: Aye

Brown: Aye

Taylor: Aye

Chair Taylor said the Board would return to Public Session at 6:30.

OPEN SESSION

Call to Order: Chair Taylor called to order the open session of the meeting saying that the Board has come to an agreement on collective bargaining with the police lieutenant union.

Pledge of Allegiance: Led by Select Board

Recognitions:

Chair Taylor recognized the Falmouth Fire Fighters, and also asked people to keep in mind the 3 injured fire fighters who were involved with the recent 3-alarm fire, and to keep their families in their thoughts and prayers at this difficult time.

Mr. Mascali recognized 1) Daria and Michael Kasparian, this year's recipients of the Falmouth Education Fund awards in March, and 2) Tamsen George, a member of the CPC and Historical Commission, who was a 2023 finalist for the annual best book awards presented by American Book Fest.

Mr. Brown, on behalf of Ms. Scott Price, recognized the DPW for its work on the beautiful Christmas display on the Village Green. He also noted the birth of a new baby into Ms. Scott Price's family.

Announcements:

Chair Taylor announced the immediate FCTV government channel change from Channel 15 to Channel 9. She also noted the birth of Ms. Scott Price's baby, born on Dec. 14.

Mr. Brown recognized the East Falmouth Village Assn.'s first holiday festival. Mr. Zylinski said Jess Bowman has been a driving force behind that event for that community.

Public comment:

Nan Logan, Precinct 1 – referred to recent news articles regarding the re-selling of certain gun parts instead of destroying the entire gun – said this practice puts guns back in circulation – said this is a concern as we think about our shotguns and decision coming up – said she found out that Gunbusters was actually cutting up and re-purposing the guns - said her group found a scrap metal dealer who destroyed the guns while her group and a police escort watched – said there is another scrap metal dealer in Middleboro whose contact info she would share with the Board – said a third option is Swords Into Ploughshares, who would destroy the guns (Chair Taylor said the time was up) – said she would send the Board all the information.

Tammy Gilbert, 26 Hawk’s Way – regarding the proposed gate at Mile 6.7 on the Shining Sea Bike Path – said residents have used this historic right-of-way for hundreds of years – said easements appear to be written into deeds – said the only reasonable access to town-owned and Salt Pond-owned land on Black Beach is this public right-of-way over private roads, which may indicate an easement by necessity – said an easement by adverse possession might also apply in this situation – said the roads have been used openly, obviously, and consistently for more than 20 years – questioned the legality of the proposed gate – asked the Board to prohibit the construction of the gate until it is determined that there is a legal right to do so – said she has not received a response yet to an email to the town manager on Dec. 12 asking for a legal review – said the association treasurer has said they have wanted a gate since 2009 - said the neighborhood association has gradually been restricting roads in this area over a number of years with signage, security guards, and now a physical gate – said it is not about safety, speeding, or what could benefit the West Falmouth community as a whole – said it could be an illegal attempt to create a private gated community allowing exclusive access to a public resource.

Richard Duby, Precinct 6 – said he assumed that Town Counsel was consulted when the policy regarding disposal of surplus firearms that the Board approved on May 23, 2022, was written – asked why anyone but the town manager was involved with the policy now – asked why Mr. Zylinski is consulting with Town Counsel as far as this is concerned – asked who the other side is that Mr. Zylinski is seeking an agreement with – asked that if there is going to be a change that it be placed on a future Select Board agenda prior to any changes taking place.

Wayne Lingafelter, Falmouth EDIC executive director – said the EDIC board made a recent decision regarding the Falmouth Station – reviewed the recent history of the station including its restoration and tenants – said that the Station Grill lease expires at the end of the month, and that the current operator has no rights to renew his tenancy in the station – said the EDIC must openly compete any lease in the state-owned property – said the EDIC board concluded that the current business configuration of the grill was unlikely to be sustainable – provided data regarding the financial operation and lease requirements of the grill – said the EDIC will consider a range of options for re-using the space and what the focus will be – gave information about the upcoming activity/hours/schedule of the station – (Chair Taylor said the time was up but allowed a brief extension) – reviewed how he addressed the grill operator’s public accusations about unpaid services.

Dave Moriarty, Precinct 6 – said South Coast Wind wants to build its 6-acre sub-plant next to the Oak Grove Cemetery – said Katharine Lee Bates is buried in that cemetery – said the cemetery is listed on the Historic Register – said he believes it’s illegal to build on property next to a location listed on the National Register – said citizens would like to have another info meeting with South Coast Wind as soon as possible.

PUBLIC HEARINGS

Tax Classification Hearing

Mr. Zylinski read out the hearing notice.

Trisha Favulli, Director of Assessing, reviewed the options available to the Board as listed on the document from the assessing department in the Select Board packet, also giving brief facts on the values and the residential exemption. She explained the background and ramifications of some of the exemptions currently in place.

Mr. Brown said that he would like to pursue the residential exemption. He acknowledged that it would be a big thing to take on, but Mashpee has just implemented it, he said, so it can be done. He said it would help the local year-round residents when the average price is over \$879,000. He said he would like to initiate looking into it.

Ms. Favulli said that according to the Dept. of Revenue, the average Falmouth tax bill is 11% of the annual base income of an average taxpayer. Dennis is 8%. Eastham is 13% and they have a residential exemption. Provincetown is 14% and they have a residential exemption. Truro is 14% with a residential exemption. Barnstable is 12%. She said that the residential exemption does not necessarily balance out the playing field for everybody, and

that in towns that have adopted it, it's costing taxpayers more. But she said they could take a look at it. Mr. Brown said that it's the lower income residents he is concerned about and reiterated his desire to look into it.

Mr. Mascali asked where the anticipated 10,000 applications for the exemption would come from. Ms. Favulli provided data regarding primary and secondary homeownership, and required documentation, including trusts and LLCs. Mr. Mascali said he, too, would like to begin to explore the residential exemption.

Mr. Zylinski asked Ms. Favulli if there could be an adjustment at a future Town Meeting to help with taxpayers' concerns. Ms. Favulli said there could be, that it would be a local option and the people could be identified easily. She said landlords would not be eligible. She said the Town would also need to study how values over \$1M would be affected by this exemption, and the overall effect on all residents/taxpayers.

Public comment:

Karen Bissonnette said this is a wonderful idea – said home costs are astronomical now and will get worse – said the real estate market is crazy – said there are 33 homes for sale in Falmouth so costs will continue to rise – said in November the median home price was \$870,000.

Mr. Brown said for the last three years the Board has been talking about looking into this. He said he is not trying to undermine the recommendation of the assessor but would like to get a sense from the Board that it is time to start exploring it.

Motion by Mr. Zylinski: To close the hearing Second: Mr. Mascali Vote: Yes – 4 No – 0

Chair Taylor then summarized the status of the issue: That the Board has talked for 3 years about exploring this option, and that can follow the recommendation of the assessor now while directing staff to aggressively explore the residential option and its effects, as well as alternatives, such as a Town Meeting article.

Brief Board discussion revealed that two motions would be required.

Motion by Mr. Mascali: That the Town of Falmouth continues to tax all classes at the same rate by adopting a factor of "1" and to reject the residential, commercial, and open space exemption Second: Mr. Zylinski Vote: Yes – 4 No – 0

Motion by Mr. Brown: That we direct the Town Manager to look into options for implementing the residential exemption or other more practical alternatives that may be out there.

Chair Taylor said that she would like to include relief for people who are in some of the town's affordable or attainable housing. Mr. Brown said he thought that inclusion would be by default due to income requirements. Chair Taylor said she would hope so but wanted to be sure because of all the Board is trying to do for the issue of affordable housing. She said she would go with Mr. Brown's motion.

Second: Mr. Zylinski Vote: Yes – 4 No – 0

BUSINESS

Discuss and vote to approve funding for 5 Esker Place

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 1 – Falmouth Housing Trust – 5 Esker Road Application to Falmouth Affordable Housing Fund (FAHF)* in the Select Board packet. He recommended approval of the requested funding.

Chair Taylor said she is part of the working group and offered strong support of the application for funding. Mr. Brown said a request of under \$74,000 to keep a house in the affordable housing inventory is a good value and that he would move approval. Chair Taylor said that it took a lot of coordinated work involving courts to make this happen. Mr. Mascali said he wanted to recognize Ms. Bissonnette and Ms. Fish for all the work they put into this effort.

Motion by Mr. Zylinski: That the Board, acting as Trustees of the Falmouth Affordable Housing Fund, grant \$73,859 to Falmouth Housing Trust (FHT) to reimburse them a portion of the cost to rehabilitate the property at 5 Esker Place and put an affordable deed restriction in perpetuity on the property and to

authorize the Town Manager to execute a commitment letter and grant agreement setting forth the terms of the financial award to Falmouth Housing Trust

Second: Mr. Brown

Vote: Yes – 4 No - 0

Approve one-time five-year extension of the Solid Waste Management Intermunicipal Agreement with the Town of Bourne

Mr. Renshaw invited DPW Director Peter McConarty to present a summary of the item. Mr. McConarty began by reviewing the time frame of the contract with Bourne, saying that it expires on Dec. 31, 2024. A one-time extension permission is part of the contract, with notification to do so sent to Bourne by Dec. 31, 2023. He said the rate structure would follow the extension.

Mr. Mascali asked about the other options. Mr. McConarty said one is to work with the current hauling company to haul the material off-Cape to Rochester. The second is to look into transporting the material off-Cape by rail through the Upper Cape regional transfer facility.

There was brief Board discussion regarding rates. Mr. McConarty said that the first step was for the Board to authorize extending the contract. Rate discussions will follow, but he said the current rate with Bourne was pretty good. He provided specific information regarding current cost per ton, and said it was a better rate per ton than other companies.

Motion by Chair Taylor: To approve the one-time 5-year extension with the Town of Bourne Integrated Solid Waste Management Facility for receiving Town of Falmouth municipal solid waste.

Second: Mr. Zylinski

Vote: Yes – 4 No - 0

FY25 Operating Budget Presentation

Using the document entitled *FY2025 Budget Presentation* and dated December 18, 2023, included in the Select Board packet, Mr. Renshaw began with an overview and timeline of the budget process with department heads and staff, and identified the 4 components of the presentation: guiding principles, revenue estimates, challenges and strategic plan priorities, and conclusions and next steps. Following this overview, Mr. Renshaw reviewed the information contained on approximately 12 screens, detailing areas such as the following: Long term fiscal stability; Revenue outlook – property taxes; Revenue outlook – local receipts; Revenue outlook – state revenues and available funds; Expenditures – challenging year; Expenditures – School department; Expenditures – strategic plan priorities; Expenditure – funding reserves; FY2025 overview. The oral presentation ended with Mr. Renshaw complimenting department heads and staff for their efficiency and commitment in performing their jobs. He also said that while the budget reflects an increase of 5% over last year, the increase is offset by increased revenue projections. It also addresses multiple strategic plan objectives and is representative of the true costs of operating a large, complex 21st century municipality. His recommendation is to consider transmitting the budget to the Finance Committee at the next Select Board meeting on January 8, 2024.

Mr. Brown asked about budget requests that couldn't be funded. Mr. Renshaw said that nothing stood out, but probably additional staffing requests could not be included at this time. He said they tried to approach the budget tactically with the revenues they had available. Neither he nor Mr. Johnson-Staub recalled denial of requests for systems or equipment. Mr. Johnson-Staub noted the focus on taking advantage of other revenue sources without tapping into the budget when there was a cost increase for a department. He said there were no real cuts along the lines of essential services.

Mr. Zylinski introduced a brief discussion about the new software approved at Town Meeting and how that would help "close some loops" with deficiencies that the Town has been unable to fund. Mr. Johnson-Staub asked if Mr. Senteio could speak to how the Integrated Financial Management System is going to impact staffing requirements and what staff is able to accomplish. Mr. Senteio said he thought the pressure on the clerical staff would be reduced through a more efficient technology platform, with more improvements/innovations to come.

Chair Taylor said she appreciated the difficulty of having to make the kinds of choices that go into the budget. She said that what cannot make it into the budget this year can be looked at again next year. Mr. Renshaw also explained how some of the existing software compared with the improved software platform for the budget process. He also noted that what had been regarded as capital costs have now been moved over to operational maintenance

costs. Chair Taylor said she appreciated the efforts to find other sources of revenue without always tapping into the budget.

Report – Energy Committee

Megan Amsler, chair of the committee, updated the Board by presenting approximately 12 screens of information, including topics such as energy efficiency, the growth of renewable energy, reducing greenhouse gas emissions and reliance on fossil fuels, the PACE program, and electrifying various modes of transportation. Using solar as a renewable energy source in a variety of ways was also covered.

Mr. Brown asked when the solar panel projects might start happening. Mr. Renshaw said that Stephanie Madsen would be at a future Select Board meeting to provide an update in this area as well as a plan moving forward. Mr. Brown also commended the opportunity that trade schools offer. Mr. Mascali said he would like more information on the PACE program, and Chair Taylor said that it, too, would be placed on a future agenda. There was brief discussion on what the role of the Board would be regarding the PACE program with no definitive answers emerging. At this point, Mr. Senteio, said that the Town would have to put the charge on the tax bill, collect the money, and then remit that money to PACE. He said that is where the software comes into play. Chair Taylor reiterated that the Board would look into this program.

Report – Board of Health

Diana Molloy, chair of the BOH, began the presentation by identifying the board's members and reading the mission statement. She went on to detail approximately 13 screens of information, including such topics as Board of Health activities in environmental codes, commercial septic concerns, solid waste regulations, housing/nuisance complaints, stable regulations, and Falmouth's local septic regulations, plus other topics such as the single-use plastic article. Ms. Molloy gave special thanks to Stephanie Miele, as well as thanked the Select Board and Health Agent Scott McGann and his team.

Mr. Brown asked a specific question: If the Town could regulate the performance of the innovative alternative septic systems to 10 milligrams per liter rather than the 19 required by the DEP. Scott McGann said that 19 is the older standard, and that the planning board is already using 12. He said 12 is what the town would be looking at for a standard.

Mr. Brown also asked about a new drug that kids are now apparently abusing. There was brief discussion about other drugs, such as ketamine, that are now presenting concerns regarding potential abuse. Ms. Molloy also said that, regarding the IA septic systems, local regulations now focus on compliance and how to enforce it.

Chair Taylor thanked Ms. Molloy for her eight years of service on the BOH.

Report – Veterans Council Committee

No presenters in attendance

Report – Falmouth Chamber of Commerce

Michael Kasparian began the presentation by explaining how the Chamber is organized, saying it's not only about businesses, but also how it is a community-focused organization. The report detailed the activities of the Chamber that demonstrate how this is true.

Chair Taylor said this report was on the agenda to help educate the Board and the Town about what the Chamber does and the importance of these activities to the community. Mr. Brown said he appreciated Mr. Kasparian's work on the Chamber, saying he felt the group has never been stronger or in better hands. Mr. Zylinski added his praise for the work Mr. Kasparian has done.

Approve fourth amendment and extension of existing parking lot lease agreement with the Steamship Authority

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 8 – Approve fourth amendment and extension of existing parking lot lease agreement with the Steamship Authority* in the Select Board packet. He recommended approval of the amendment and extended lease agreement. He said the one-year extension, to expire on 12/31/2024, would allow time to evaluate the current lease and obtain a new appraisal.

Mr. Mascali asked why the number of parking spaces for permit holders was reduced from 60 to 50. Mr. Renshaw said that he had had 3 meetings with Bob Davis, who tracks the use of the permitted spaces by the Village. Review of the usage data showed that the average number of permit holders was significantly less than 60 (42 Village permit holders), so the Authority and the Town set the new number at 50.

Mr. Brown said he has heard from business owners who are surprised that it doesn't get more use. He said he also saw the provisions for additional signage. He said he felt the one-year extension was a reasonable request.

Public comment:

Marc Finneran – said he had 3 questions: 1) Was there any increase in the parking for businesses in Woods Hole? [Board response: The 50 spaces allotted to permit holders includes parking for businesses.] 2) Did we raise the price any? [Mr. Renshaw: No. The current structure is that the town receives 25% of the revenue from the permit receipts, and the Authority receives 75%. Mr. Renshaw said that this aspect of the lease agreement should be reviewed.] 3) If it's our land, why are we not splitting with them 50-50?

Patrick Masterson, Vice-chair of the Woods Hole Business Assn. – thanked the Board for the allocated spaces – said they are a great resource for employee parking, especially in the summer months – said he would look forward to talking with the Board further about renewing the lease.

Motion by Mr. Brown: To approve the fourth amendment and extension of lease agreement between the Town and the Steamship Authority as presented, with a term to expire December 31, 2024

Second: Mr. Zylinski

Vote: Yes – 4 No - 0

Application for a Change of Manager of an All-Alcoholic Club License – Portuguese American Assoc. of Falmouth, Inc., located at 55 Ashumet Road, Hatchville

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 9 – Application for a Change of Manager of an All-Alcoholic Club License – Portuguese American Assoc. of Falmouth, Inc., located at 55 Ashumet Road, Hatchville* in the Select Board packet. He recommended approval of the application.

Michael Duarte, representing the applicant, was present to answer questions. Mr. Brown said he has worked with Mr. Duarte previously and said he would make a very good manager. Mr. Zylinski also complimented Mr. Duarte.

Chair Taylor asked for a motion **to approve the application for a change of manager of an all-alcoholic beverage club license for the Portuguese American Assoc. of Falmouth, Inc., located at 55 Ashumet Road, Hatchville as presented.**

Motion by Mr. Zylinski: So moved

Second: Mr. Brown

Vote: Yes – 4 No - 0

Consider a Letter of Support for Sen. Moran's Senate Bill 1315

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 10 – Consider a Letter of Support for Sen. Moran's Senate Bill 1315* in the Select Board packet. He recommended approval and transmission of the draft letter.

Mr. Brown said he supported the letter and had also sent his own letter, but not as representing the Board. Mr. Mascali and Mr. Zylinski said they also supported the draft letter.

Motion by Mr. Brown: To authorize the chair and the town manager to forward a letter similar to this with any minor adjustments that may be deemed acceptable by the chair

Second: Mr. Zylinski

Vote: Yes – 4 No - 0

Approve annual license renewals for 2024

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 11 – Approve annual license renewals for 2024* in the Select Board packet. He recommended approval of the license renewals as printed on tonight's agenda.

ALL ALCOHOL RESTAURANT with COMMON VICTUALLER

Anchor Ale House, 100 Davis Straits
Aquatic Brewing, 661 Main Street

Bluefins, 295 Main Street
 Cape Cod Country Club, 48 Theatre Drive
 Chapoquoit Grill, 410 West Falmouth Highway
 DJ's Family Sports Pub, 870 Main Street, Unit A
 East End Tap, 734 Teaticket Highway
 Estia, 117 Main Street
 Falmouth Cinema Pub, 137 Teaticket Highway
 Falmouth Jade, 143 East Falmouth Highway
 Flying Bridge Restaurant, 220 Scranton Avenue
 Grumpy's Pub, 29 Locust Street
 Jack's Restaurant & Bar, 327 Gifford Street
 La Cucina sul Mare, 237 Main Street
 Liam Maguire's, 273 Main Street
 New Peking Palace, 452 Main Street
 Papa Jakes, 146 Sandwich Road
 Paul's Pizza, 14 Benham Road
 Quahog Republic Dive Bar, 97-99 Spring Bars Road
 Quahog Republic's Leaside Pub, 29 Railroad Avenue
 Shipwrecked, 263 Grand Avenue
 Shiverick's Café & Bar, 285 Main Street
 Silver Lounge, 999 Route 28A
 Soprano's Casino by the Sea, 286 Grand Avenue
 Sweet Rice, 167 Teaticket Highway
 The Cape Club 125 Falmouth Woods Road
 The Conference Table 205 Worchester Court
 The Glass Onion, 37 North Main Street
 Tiger Ramen, 587 Main Street, Unit 102
 Timber, 23 Town Hall Square

ALL ALCOHOL INNHOLDER and INNHOLDER

Coonamesett Inn, 311 Gifford Street
 Holiday Inn Falmouth, 291 Jones Road
 Seacrest Concessionaire, LLC d/b/a Seacrest, 350 Quaker Road

ALL ALCOHOL CLUB

Amvets Falmouth Post 70, Inc., 336 Palmer Avenue
 Cape Cod Curling Club, 37 Highfield Drive
 Cape Verdean Club of Falmouth, Inc. 126 Sandwich Road
 Falmouth Elks Lodge #2380, 140 Palmer Avenue
 Falmouth Rod & Gun Club 25 Sportsman Lane
 Falmouth Yacht Club, 290 Clinton Avenue
 Green Pond Yacht Club, 366 Menauhant Road
 Midway Trap & Skeet, 284 Old Meetinghouse Road
 Portuguese American Assn., 55 Ashumet Road
 Woods Hole Golf Club, 130 Quissett Avenue

WINE & MALT RESTAURANT with COMMON VICTUALER

Bangkok Thai Cuisine, 291 Main Street
 Crabapples, 553 Palmer Avenue
 Silver Beach Pizza & Seafood, 557 North Falmouth Highway, Building A
 Steve's Pizzeria & More, 374 Main Street

WINE, MALT & CORDIAL RESTAURANT with COMMON VICTUALER

Country Fare, 319 Main Street

WINE & MALT INNHOLDER

Fontelux Hospitality Systems LLC d/b/a Palmer House Inn, 81 Palmer Avenue

BREWERY – WINERY

Aquatic Brewing, 661 Main Street
 Bad Martha's, 876 East Falmouth Highway

COMMON VICTUALER

J2 Bagels, Inc. d/b/a Cape Cod Bagels, 419 Palmer Avenue
 Coffee Obsession, 110 Palmer Avenue
 Coffee Obsession, 38 Water Street
 D'Angelo's, 689 Main Street
 Devour, 352 Main Street
 Dunkin Donuts, 614 Main Street
 Dunkin Donuts, 4 Sandwich Road
 Dunkin Donuts, 363 East Falmouth Highway
 Dunkin Donuts, 634 Holly Park Road
 Dunkin Donuts, 1184 Sandwich Road
 Falmouth Hospital Cafeteria, 100 Ter Heun Drive
 Homeport Sushi, 316 Gifford Street
 Le Bon Jour, 424 East Falmouth Highway, Unit A3
 McDonald's, 263 Teaticket Highway
 Moonakis Café, 460 Waquoit Highway
 Papa Gino's, 56 Davis Straits
 Peel Pizza, 31 Teaticket Highway
 Starbucks, 11 Davis Straits
 Subway Sandwiches, 137 Teaticket Highway
 Thai Kitchen, 258 Teaticket Highway
 The Blended Berry, 56 Davis Straits
 The Buffalo Jump, 277 Hatchville Road
 The Portuguese, 424 East Falmouth Highway, Unit B101
 The Stand, 75 County Road
 The Vine, 824 Main Street
 Lobos House of Pizza, 338 East Falmouth Highway

ENTERTAINMENT

Bad Martha's, 876 East Falmouth Highway
 Cape Arts & Entertainment, 60 Highfield Drive
 Cape Verdean Club, 126 Sandwich Road
 Coffee Obsession, 110 Palmer Avenue
 Coffee Obsession, 38 Water Street
 Coonamesett Inn, 311 Gifford Street
 East End Tap, 734 Teaticket Highway
 Falmouth Yacht Club, 290 Clinton Avenue
 Flying Bridge Restaurant, 220 Scranton Avenue
 Green Pond Yacht Club, 366 Menauhant Road
 Grumpy's Pub, 29 Locust Street
 Holiday Inn, 291 Jones Road
 Jack's Restaurant & Bar, 327 Gifford Street
 Liam Maguire's, 273 Main Street
 Papa Jakes, 146 Sandwich Road
 Portuguese American Assn., 55 Ashumet Road
 Quahog Republic Dive Bar, 97-99 Spring Bars Road
 Quahog Republic's Leaside Pub, 29 Railroad Avenue
 Seacrest Concessionaire, LLC d/b/a Seacrest, 350 Quaker Road
 Shipwrecked, 263 Grand Avenue

Shiverick's Café & Bar, 285 Main Street
Silver Lounge, 999 Route 28A
Soprano's Casino by the Sea, 286 Grand Avenue
The Cape Club 125 Falmouth Woods Road
The Conference Table 205 Worcester Court
Timber, 23 Town Hall Square
Tony Andrews Farm 394 Old Meetinghouse Road
Woods Hole Golf Club, 130 Quissett Avenue

SUNDAY ENTERTAINMENT

Bad Martha's, 876 East Falmouth Highway
Coonamessett Inn, 311 Gifford Street
Flying Bridge Restaurant, 220 Scranton Avenue
Grumpy's Pub, 29 Locust Street
Holiday Inn, 291 Jones Road
Liam Maguire's, 273 Main Street
Portuguese American Assn., 55 Ashumet Road
Quahog Republic's Leaside Pub, 29 Railroad Avenue
Seacrest Concessionaire, LLC d/b/a Seacrest, 350 Quaker Road
Shipwrecked, 263 Grand Avenue
Shivericks Café & Bar, 285 Main Street
Soprano's Casino by the Sea, 286 Grand Avenue
The Cape Club 125 Falmouth Woods Road

Chair Taylor asked if there were any holds. Mr. Brown said there was comment from an abutter on Timber, so he would hold that one.

Motion by Mr. Zylinski: To approve as presented with the exception of Timber as a hold

Second: Mr. Mascali Vote: Yes – 4 No - 0

Public comment:

Linda Tsimortis, Main St. – said the soundproofing had been put up and initially, everything was acceptable – said since then, as expressed in her letter, things have slowly been going back to as before – said she doesn't think there is enough sound proofing – said last Saturday was out of control and she called the bar and police – said the new manager said they are doing the best they can – said she feels bad that Eddie isn't there – said in early December she spoke with Mr. Bogosian, who said well, you're going to hear something - said Mr. Bogosian said if they turned the music down, the patrons on the Axe side would not be able to hear it – said in a building that size he should be able to move the band to a better spot – said she hates bothering the Board about this – thanked the Board for listening to her and insisting on the sound proofing.

Mr. Zylinski ascertained from Ms. Tsimortis that at the outset, the sound proofing had been acceptable. He asked Ms. Tsimortis if she felt it was more a management issue than a sound issue. She said yes.

Mr. Brown noted that Mr. Bogosian was in attendance and might like to comment on what caused the change.

Public comment:

Mr. Bogosian said he was happy to support Timber – said he is an investor in the company and has taken an active interest in the entertainment component – said the night in question he was watching a single guitar player play not loud enough that he could hear it at the other side – said it was very soft – said that no. matter how much he soundproofs a building, someone awake at 12 feet out is going to hear it – said it's the nature of the business – said he doesn't know what else he can do to have a commercial business be successful without having entertainment.

Chair Taylor noted the discrepancy between a band and a single guitarist. Mr. Bogosian began to explain the various types of entertainment and how they perform, using amps for sound. He said there is live music one night a week. He said business has fallen off. He said this is not a non-conforming special use business where it's located in downtown Falmouth. He said the management team does its best.

MOTOR VEHICLE CLASS I

Capstan Yachts, 56 Scranton Avenue, Unit A

MOTOR VEHICLE CLASS II

Cid's Auto Brokers, 91 Carl Landi Circle
Falmouth Auto Center, 614 East Falmouth Highway
Frank's Auto Sales, 442R-444 East Falmouth Highway
Frank Battles, 14 Depot Avenue
M&N Auto Mall, 20A Village Common Drive

AUTOMATIC AMUSEMENT DEVICE

DJ's Family Sports Pub, 870 Main Street, Unit A
Falmouth Cinema Pub, 137 Teaticket Highway
Grumpy's Pub, 29 Locust Street
Quahog Republic Dive Bar, 97-99 Spring Bars Road
Seacrest Concessionaire, LLC d/b/a Seacrest, 350 Quaker Road

TAXI – LIMOUSINE

AA Taxi, 90 Boxberry Hill Road
All Seasons Taxi, 45 Simpson Lane
Falmouth Taxi, 424 East Falmouth Highway, Unit A1

Mr. Zylinski asked if the loudness might be a result of a lower number of patrons, fewer people to absorb the sound. Mr. Bogosian said yes.

Mr. Brown said he was hoping to hear how a neighbor could say it was working at one time and no longer is. Mr. Bogosian said he does not understand that and can't pinpoint anything that could have caused the change. He said he has gone to the venue on the entertainment nights so he would know first-hand what the situation is when he came before the Board.

Mr. Mascali asked if the change in management could be related in some way to why the neighbor seems to be upset. Mr. Bogosian spoke of Eddie being a very easy, quiet, nice-spirited guy but whose management is the same as others. He said others on the team have been trying to address the issue and not ignore it.

Chair Taylor asked how the Board would like to proceed. Mr. Brown said that perhaps a bowling alley could not easily become an entertainment place. He also said that perhaps the Board didn't quite take into consideration how close the residence is before approval of the license. Mr. Zylinski said he comes down a little on the other side. He said it provides jobs for quite a few people. He said that if it was working at one time through management, he would lean toward approval, urging them to continue or enhance that behavior to make the neighbors a little happier. He would not want to punish the employees at the business without giving them some kind of push forward at this point.

Public comment:

Ms. Tsimortis said again that after the compliance, it was working. She said she doesn't understand the change and that it is very frustrating. She said she does not understand how it got approved initially, and said that if, when getting ready to close on the property, she had been notified that this was going to happen, she would have been asking then "how can you do this because it's so close?" She said no one is going to complain because everything around there is Mr. Bogosian's. She also asked if the time was still 11:00. [Mr. Zylinski said yes because it is a renewal.]

Chair Taylor again asked how the Board wished to proceed. Mr. Mascali said he agreed with Mr. Zylinski that it was proven to be working at one point and would call upon the investors and managers to take a closer look at it and tighten up the ship. He said he is prepared to go forward with approval with the understanding that the owners and managers see that it's an issue that needs to be addressed. Chair Taylor reiterated that at one point it was working, and that it's incumbent upon the business to go back and see what was making it work and what's changed, and to resolve it.

Public comment:

Mr. Bogosian suggested that the consistency of the previous bowling noise vs. live music one night a week may be contributing to the issue. Mr. Zylinski said again that it is for the business to address and resolve the problem with the neighbors. He said the fact that acceptable status occurred at one point proves that it can happen again.

Motion by Mr. Mascali: That we extend the all-alcohol restaurant with common victualler license for Timber at 23 Town Hall Square Second: Mr. Zylinski Vote: Yes – 4 No - 0

CONSENT AGENDA

1. Administrative Orders

- a. Approve the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install one (1) new FO pole labeled 10/136 with anchor approximately 137' (feet) east of existing pole 10/135 and to install one (1) new FO pole labeled 10/137 with anchor approximately 137' (feet) east of newly installed pole 10-136. This work is necessary to provide electric service to 995 Sandwich Road.
- b. Approve the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install a new handhole to be labeled 69/56-A and to install approximately 58' (feet) of conduit and cable under the town road southeasterly starting at new handhole 69/56-A at the base of existing pole 69/56. This work is necessary to provide electric service to 301 Menauhant Road.
- c. Accept donation in the amount of \$500.00 from the Falmouth Jewish Congregation to the Falmouth Cultural Council
- d. Approve Eversource easements for Depot Rd. and Locust St.

- e. Designate the Per Diem Communications Officer position as a “special employee” for the purposes of the conflict-of-interest law MGL c. 268A

Motion by Mr. Zylinski: To approve the Consent Agenda
Vote: Yes – 4 No - 0

Second: Mr. Brown

MINUTES - Review and vote to approve minutes of meeting

Public Session – July 10, 2023

Motion by Mr. Brown: To approve

Second: Mr. Zylinski

Vote: Yes – 4 No - 0

TOWN MANAGER’S SUPPLEMENTAL REPORT

Mr. Renshaw orally presented his report, referring to the memo entitled *Supplemental Report* and dated December 18, 2023, in the Select Board packet. The report included 1) a recent tour of the Falmouth Housing Authority facilities, 2) Falmouth Town marina earns special recognition, 3) an update on police social work positions, and 4) upcoming Select Board meetings.

Chair Taylor asked if the new social workers would be available to help when there are problems in the community, and people call the police looking for help. She said she hoped that the police chief would be open to this possibility. Mr. Renshaw said he would discuss this with Chief Lourie.

SELECT BOARD REPORTS

Chair Taylor reported on the following:

- A request for a community forum with South Coast Wind – (Mr. Brown said he attended the meeting with Oak Grove Cemetery and said it was more of an outreach-type meeting to Oak Grove from South Wind to gauge what their concerns would be should South Wind move forward, and that they didn’t announce that they were doing anything definite.)
- Need 2 Select Board members to look at the evaluation process of the town manager (Mr. Zylinski and Mr. Brown volunteered.)
- Confirm March 2 for workshop
- Was invited to meet with Troop 41 of Scouts on Dec. 11

Mr. Mascali reported on the following:

- Attended a Council on Aging committee meeting on Dec. 5 and praised Jill Bishop for her leadership at the Senior Center
- Attended a Bicycle and Pedestrian Committee meeting on Dec. 6
- Attended a Recreation Committee meeting on Dec. 13

Mr. Brown reported on the following:

- Said he had received a text from Karisa Abel saying she was not feeling well and would not be able to attend tonight’s meeting
- Noticed that the planning board took up their short-term rental discussion at their meeting last Tuesday
- Attended the Cape and Islands Municipal Leaders Assn. meeting a week and a half ago

Mr. Zylinski reported on the following:

- Attended the Cape Cod Metropolitan Planning Organization meeting virtually earlier today

ADJOURN

Motion by Mr. Brown: To adjourn

Second: Mr. Zylinski

Vote: Yes – 4 No - 0

Respectfully submitted,
Carole Sutherland, Recording Secretary